

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Telecommunications Relay Services and)	
Speech-to-Speech Services for)	
Individuals with Hearing and Speech)	CG Docket No. 03-123
Disabilities)	
)	
)	
Americans With Disabilities Act of 1990)	

COMMENTS OF THE IOWA UTILITIES BOARD

The Iowa Utilities Board (Iowa) files these comments in response to the Further Notice of Proposed Rulemaking (FNPRM) by the Federal Communications Commission (FCC or the Commission) in CG Docket No. 03-123. Iowa's comments are presented in the order found in the FCC's Report and Order, et al., released on June 30, 2004, and referenced by the paragraph numbers found in that report.

COMMENTS

¶221 - 230 & 241 - 242 Jurisdiction of Internet Protocol Relay (IP Relay) and Video Relay Service (VRS) calls

The first question the Commission asks concerns the jurisdictional issues associated with IP Relay and VRS calls. Iowa notes that the FCC is currently considering jurisdictional issues related to Internet-based services, including whether these services are "telecommunications services" or "information

services" and how to determine whether calls are interstate or intrastate, in FCC Docket No. WC 04-36, "IP-Enabled Services." Until the FCC resolves these broader issues in Docket No. WC 04-36, it should defer consideration of possible interstate/intrastate mechanisms for purposes of reimbursement in this docket and continue its current practice of reimbursement from the Interstate TRS Fund.

It is appropriate for the FCC to continue to reimburse all VRS and IP Relay calls from the Interstate TRS Fund at this time. These services are still new and developing, as evidenced by the inability of IP Relay and VRS providers to comply with certain traditional TRS standards. At the same time, these services appear to offer important public benefits. For example, VRS provides better functional equivalency for relay users whose native language is American Sign Language (ASL) and its development should therefore be supported while the Commission determines, in the appropriate docket, the proper jurisdictional characterization of such calls. Overall, this approach will best serve the public interest by promoting the development of new (and potentially better) services, even as the Commission sorts out the jurisdictional issues.

For the same reason, the Commission should continue to treat these new services with regulatory flexibility, recognizing that some current standards may be based on the use of existing technology with capabilities that these new services may not yet offer. Ultimately, it may be appropriate for the Commission to adopt standards unique to these services, but for the present the Commission

should continue to grant waivers of certain traditional TRS standards for VRS and IP Relay.

Next, the Commission asks whether VRS and IP Relay users should be required to register so providers can determine whether IP Relay and VRS calls are intrastate or interstate. The Commission also asks whether imposition of a registration requirement could adversely affect further growth of IP Relay and VRS. Iowa believes that it could. TRS users may not wish to use a service that requires them to sacrifice their anonymity.

In addition, requiring users to register may not be functionally equivalent. Users of traditional telephone service have the ability to make their local calls anonymously. Since functional equivalence is required by Section 225, Iowa believes that registration is not a reasonable approach. Therefore, the FCC should continue its current practice of reimbursement of all VRS and IP Relay calls from the Interstate TRS Fund.

¶231 - 232 & 243 - 245 IP Relay and VRS as a Mandatory Form of TRS and Offered 24/7

The Commission seeks comment on whether IP Relay and VRS should be mandatory and offered 24 hours a day, 7 days a week. In providing its comments, Iowa is mindful of the fact that VRS is superior to traditional relay for callers whose native language is ASL, and provides a leap forward in functional equivalence for these callers. However, until the technology improves such that either IP Relay and VRS can meet all current TRS service standards or separate

standards specific to IP Relay and/or VRS are adopted, these services should not be mandatory. There are technical issues that must be solved before then, as evidenced by the many waivers granted for IP Relay and VRS by the FCC.

In addition to the technological issues addressed by the FCC through waivers, it is Iowa's understanding that the pool of qualified interpreters for VRS is limited, which may be adversely affecting the availability of interpreters in certain parts of the country for in-person, one-on-one interpreting needs. Requiring VRS to be a mandatory service could exacerbate an already difficult problem that affects many areas of the country.

For these reasons, IP Relay and VRS should not be made mandatory services at this time.

Respectfully submitted,

Joni Nicoll
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